

ENTERED

April 12, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JOE A GONZALES, §
§
Plaintiff, §
VS. § CIVIL NO. 2:17-CV-27
§
BILL MILLS, *et al.*, §
§
Defendants. §

ORDER

The Court has received the Magistrate Judge's February 10, 2017, Memorandum and Recommendation ("M&R"), Dkt. No. 12, and Plaintiff's objections to the M&R, Dkt. No. 13.

After independently reviewing the record and applicable law, the Court **OVERRULES** Plaintiff's objections and **ADOPTS** the M&R, Dkt. No. 12.¹ Accordingly, the Court **DISMISSES WITH PREJUDICE** Plaintiff's above-captioned action for failure to state a claim and/or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

Because this dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g), the Court **DIRECTS** the Clerk of the Court to send notice of this dismissal

¹ The adopted M&R refers to circumstances as they were on February 10, 2017. Therefore, it is reasonable to infer that circumstances may have changed such that Plaintiff's claims have become moot. Nevertheless, the Court finds that the state of the case as it was on February 10, 2017, warrants dismissal. All present-tense references in the M&R, now adopted by the Court, should be understood to refer to the circumstances as they were on February 10, 2017, and not on the date of this order.

to the Manager of the Three-Strikes List for the Southern District of Texas at
Three_Strikes@txs.uscourts.gov.²

Final judgment will be entered separately.

SIGNED this 12th day of April, 2018.



Hilda Tagle
Senior United States District Judge

² The Magistrate Judge's M&R recommends that notice of this dismissal be sent by mail to Beverly Goolsby in the Southern District of Texas's Clerk's Office. The Court modifies this recommendation to conform to current Southern District of Texas practice regarding the Three-Strikes List.